held that the valuation was just and reasonable and binding upon the plaintiff. The court said "that where a contract of this kind is fairly made agreeing on valuation of the property carried, with the rate of freight based on the condition that the carrier assume liability only to the exent of the agreed valuation, even in case of loss or damage by the negligence of the carrier, the contract will be upheld as a proper and lawful mode of securing a due proportion between the amount for which the carrier may be responsible and the freight he received, and of protecting himself against extravagant and fanciful valuations." This is the leading case and was followed in *Railroad* v. *Sherrod,* 84 Ala. 178, of which the principal case says that the court overlooked the dual nature of the liability of the carrier. It is also followed in the following cases: *Railway Co.* v. *Harwell,* 91 Ala. 340; *Pacific Express Co.* v. *Foley,* 46 Kans. 457; *Railway Co.* v. *Simon,* 15 Oh. C. C. 123; *Johnstone* v. *R. R. Co.,* 39 S. C. 55; *Railroad Co.* v. *Payne,* 86 Va. 485; *Zouch* v. *Railway Co.,* 36 W. Va. 524; *Loeser* v. *Railway Co.,* 94 Wis. 571; *Graves* v. *Railroad Co.,* 137 Mass. 33; *Hood* v. *Pneumatic Service Co.,* — Mass. —, 77 N. E. 638. In *Moulton* v. *Railway Co.,* 31 Minn. 85, the court says that a carrier cannot, by an arbitrary agreement limiting measure of damages, be discharged from a part of its liability for its own negligence. But in *Alair* v. *Northern Pacific,* 53 Minn. 160, it is said that, if the purpose of the contract was merely to place a limit on the amount for which the defendant should be liable, then, clearly, as to losses resulting from negligence, it is not just or reasonable and not binding. But if it was a stipulation as to value fairly and honestly made as the basis of the carrier's charges, it ought to be upheld. In *Belger* v. *Dinsmore,* 51 N. Y. 166, involving the same sort of a transaction as in the principal case, it was held that by accepting a receipt with a stipulation fixing the valuation at $50.00, the plaintiff assented to that valuation and it was binding. The same conclusion was reached in *Ballou* v. *Earland Prew Express Co.,* 17 R. I. 441; *Earnest* v. *Express Co.,* 1 Woods (U. S. C. C.), 573; *Muser* v. *Express Co.,* 1 Fed. 382; *Smith* v. *Express Co.,* 108 Mich. 572; *Durgin* v. *Express Co.,* 66 N. H. 277. But the principal case is upheld in *Galt* v. *Express Co.,* MacArthur & M. (D. C.), 124, in which such a stipulation was held to limit liability as insurer, but not as to negligence; also in *Conover* v. *Express Co.,* 40 Mo. App. 31, and *Grogan* v. *Express Co.,* 114 Pa. St. 523, repudiating the doctrine of *Hart* v. *Railroad,* supra.

CONSTITUTIONAL LAW—DELEGATION OF LEGISLATIVE POWER—REGULATIONS OF EXECUTIVE DEPARTMENTS.—Defendant was indicted for violation of a regulation adopted by the Secretary of Agriculture concerning grazing privileges in government forest reserves, under an act of Congress for protection of forests giving the Secretary the right to make necessary and proper rules and regulations, and providing a punishment for violation of provisions of the act or of regulations to be established by the Secretary; on demurrer, *held,* that the act was unconstitutional and void as an attempted delegation of legislative power to an administrative officer. *United States* v. *Matthews* (1906), — D. C. E. D. Wash. —, 146 Fed Rep. 306.

The case is of interest as it involves the difficult question of what consti-

tutes a delegation of legislative power. It is a fundamental maxim of constitutional law that such power can not be delegated. COOLEY, CONST. LIM. (7th Ed.), p. 163; *Wayman* v. *Southard,* 10 Wheat. 1. But it is clearly necessary in our complex situation that the legislature must often content itself with making general provisions, leaving to those who are to execute them the power to fill in the details, and such proceedings are legal, if the details be administrative. *United States* v. *Ormsbee,* 74 Fed. 207. There are numerous instances in recent years in which such powers have been held to be constitutional. The Treasury department may adopt regulations to carry out a head tax levied on certain classes of aliens. *Stratton* v. *Steamship Co.,* 140 Fed. 829. The government may empower a department to make rules concerning governmental springs. *Van Lear* v. *Eisele,* 126 Fed. 823. Or authorize the Secretary of War to compel removal of bridges which obstruct navigation. *Chatfield Co.* v. *New Haven,* 110 Fed. 788; *U. S.* v. *Breen,* 40 Fed. 402; *U. S.* v. *Moline,* 82 Fed. 592. Also in reference to disposal of public lands, cutting of timber thereon, and use of government canals. *U. S.* v. *Ormsbee,* 74 Fed. 207; *U. S.* v. *Williams,* 12 Pac. (Mont.) 851; *U. S.* v. *Reder,* 69 Fed. 965; *Butte Water Co.* v. *Baker,* 196 U. S. 119; *Caha* v. *United States,* 152 U. S. 211, 14 Sup. Ct. 513; *U. S.* v. *Bailey,* 9 Peters, 238. To determine the standard of tea to be required under an act to prevent importation of impure tea. *Butterfield* v. *Stranahan,* 192 U. S. 470. To allow the President to suspend duty on certain goods at his discretion. *Field* v. *Clark,* 143 U. S. 649. Federal courts allowed to regulate their own practice. *Wayman* v. *Southard,* 10 Wheat. 1. An act requiring sellers of oleomargarine to use a stamp to be designated by an administrative officer. *In re Kollock,* 165 U. S. 533. An act authorizing the Secretary of the Interior to make regulations for the preservation of forests. *Dastervignes* v. *United States,* 122 Fed. 30. But an administrative officer cannot amend or alter the law. *Morrill* v. *Jones,* 106 U. S. 466. When within the law and not unreasonable, such rules have in general the force and effect of laws. *United States* v. *Slater,* 123 Fed. 115; *United States* v. *Bailey,* 9 Peters 238; *Dastervignes* v. *United States,* 122 Fed. 30; *Cosmos Co.* v. *Oil Co.,* 112 Fed. 11. A distinction is laid down, however, between the effect of a law for civil and for criminal purposes. *United States* v. *Eaton,* 44 U. S. 677; *United States* v. *Maid,* 116 Fed. 650. It is on the question of the validity of an act of Congress, which declares that a violation of regulations to be established by some administrative officer, shall be an offense against the United States, that the cases are in hopeless conflict. One line of authorities holds that in such situation, it is the act of Congress and not the regulation of the administrative officer which creates the offense, the regulation being merely a detail in the carrying out of the act, and hence the act is valid. *United States* v. *Ormsbee,* 74 Fed. 207; *United States* v. *Reder,* 69 Fed. 965; *In re Kollock,* 165 U. S. 533; *United States* v. *Breen,* 40 Fed. 402. The other authorities hold directly contrary, supporting the principal case and maintaining that in such circumstances it is the act of the administrative officer which determines what shall constitute a crime, and hence is unconstitutional as a delegation of legislative power. *United States* v. *Eaton,* 144 U. S. 677; *United States* v. *Maid,* 116 Fed. 650; *United States* v. *Blasingame,* 116

Fed. 654. If the doctrine of the principal case is good law, would it not seem that Congress would have to prescribe each minute regulation necessary to carry out an act (which is manifestly impossible) or else that the regulations established by an executive department would be ineffective, since Congress could not determine that an infraction thereof would constitute an offense against the United States?

CONSTITUTIONAL LAW—REGULATION OF CHILD LABOR.—Defendant was informed against for employing a minor under sixteen years of age for a greater period than ten hours a day in violation of a state statute. After conviction, he appealed on the ground that the law was unconstitutional as being in conflict with the Fourteenth Amendment to the Federal Constitution. *Held,* that the provisions of this article do not limit the power of the state to interfere with the parental control of minors. *State* v. *Shorey* (1906), — Ore. —, 86 Pac. Rep. 881.

While this decision is unquestionably in accord with the law on this subject, a single question may raise the point as to how far the legislature may go in making regulations of this kind and having them sustained on the ground that they are a reasonable exercise of the police power. Children being capable of contracting only to a limited extent, the power of the legislature to regulate the relations between parent and child has never been questioned seriously. *People* v. *West,* 106 N. Y. 203; *Village of Carthage* v. *Frederick,* 122 N. Y. 268. In order that these regulations, whether affecting infants or adults, may be sustained on this ground, courts are agreed that they must be reasonable, and usually affect an employment involving a direct danger to public morals or decency, or of life or limb. *Allgeyer* v. *Louisiana,* 165 U. S. 578; *Mugler* v. *Kansas,* 123 U. S. 623; *Crowley* v. *Christienson,* 137 U. S. 86; *In re Converse,* 137 U. S. 624. The law is well settled that legislatures cannot act arbitrarily in this matter, and if it is apparent that they have done so, it is within the province of the court to declare the act unconstitutional. *Matter of Jacobs,* 98 N. Y. 98. The objectionable feature of the Oregon law, as contended by the defendant, is that it prohibited the employment of children at an hour earlier than seven o'clock in the morning, or later than six o'clock at night, and it was therefore unreasonable. It would seem that the thing the law aimed at was to fix a maximum number of hours during which a child might be employed, as being conducive to the child's best interests and welfare. The defendant's contention that the clause which forbids employment after six o'clock without regard to the number of hours the child had worked previously during the day, was strong evidence that the legislature had acted arbitrarily in the matter. Taking into consideration the reasons which usually underlie these enactments, and the fact that certain lines of business render it necessary to have the work performed during different hours, the argument ought justly to carry some weight. The defendant not having been prosecuted under that provision of the statute, the court said that he was in no position to raise the question. A similar law of the same state regulating the employment of women in factories, was construed